

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOTEL ROSLYN, LLC f/k/a ELLEN & NILS,
LLC and SKOBO, LLC,

Plaintiffs,

v.

AMGUARD INSURANCE COMPANY,
a Pennsylvania corporation,

Defendant.

CASE NO. 2:22-cv-01344-RSM

**JOINT STIPULATED MOTION AND
ORDER TO EXTEND TRIAL DATE
AND RELATED**

STIPULATED MOTION

The Parties hereby stipulate and request by motion pursuant to LCR 10(g) that the Trial Date, as set forth in this Court's Order Setting Trial Date and Related Dates (Dkt. 11), be extended by approximately 90 days for the stated reasons and good cause shown:

Current Trial Date

November 6, 2023

New Trial Date

February 5, 2024

The Parties also stipulate and request that the following dates be adjusted accordingly:

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DATE AND RELATED DEADLINES - 1
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<u>Description</u>	<u>Current Date</u>	<u>New Date</u>
Deadline for filing motions related to discovery	June 9, 2023	August 25, 2023
Discovery completed by	July 10, 2023	September 25, 2023
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter pursuant to LCR7(d)(3)	August 8, 2023	October 16, 2023
Mediation Deadline	September 22, 2023	December 1, 2023
All motions <i>in limine</i> must be filed by and noted on the motion calendar three Fridays thereafter pursuant to LCR7(d)(4)	October 10, 2023	December 19, 2023
Agreed Pretrial Order due	October 25, 2023	January 16, 2024
Pretrial Conference		To be set by the Court
Trial briefs, proposed jury instructions, proposed voir dire, agreed neutral statement of the case, deposition designations, and trial exhibits due	November 1, 2023	January 24, 2024

DISCUSSION

The November 10, 2022 Order Setting Trial Date and Related Dates (Dkt. 11) stated that “only upon good cause shown,” and not based on agreement of counsel or the parties, would the Court issue any order to change the trial date or any related dates. The Order further contains a section entitled “COOPERATION,” stating that as required by LCR 37(a), all discovery matters are to be resolved by agreement, if possible.

There is good cause for this Court to grant the Parties’ stipulated motion for an approximately 90-day continuance of the trial date and all remaining related dates. The Parties noted in their Joint Status Report and Discovery Plan (Dkt. 10), which was filed before the Court’s Order Setting Trial Dates, that they intended to pursue resolution of their claim before engaging in litigation. The Parties indeed pursued those efforts, though securing a suitable date with a mediator proved more challenging than expected, which resulted in a mediation occurring later than expected. That mediation effort ultimately proved unsuccessful. However, those early

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1 resolution efforts delayed the commencement of discovery and other litigation tasks, which
2 would not have been cost-justified if a resolution had been reached at mediation.

3 After those efforts broke off, AmGuard filed an Answer and Affirmative Defenses on
4 March 1, 2023 (Dkt. 16). Since the time of the Answer, the Parties have engaged in document
5 discovery, which has included working cooperatively, per the Court's Order, to resolve various
6 disputes that have arisen. The Parties have also worked with and disclosed various experts, per
7 the Court's original Scheduling Order.

8 The Parties are now working to schedule various depositions in advance of the current
9 July 10, 2023 deadline. On June 2, 2023, counsel for the Parties conferred regarding deposition
10 scheduling and it became apparent to the undersigned counsel that there was good cause for an
11 extension of both the Deadline to Complete Discovery and the Trial Date. Although
12 approximately five weeks remain in the discovery period, there are both known and anticipated
13 issues with unavailability of counsel and witnesses during June and July. The Parties anticipate
14 needing approximately seven depositions each (*i.e.*, fourteen total, give or take). Counsel for
15 Defendant has conflicts the week of June 19-23. Plaintiffs' counsel has conflicts during the
16 period of June 23-July 7. Several of these depositions have been requested in-person and may
17 require travel out of state. The Parties are actively working to secure dates in July and August
18 for these depositions.

19 Other discovery-related issues also provide good cause for a brief extension of the
20 deadlines. For example, the Parties are currently working through various discovery disputes
21 surrounding privilege logs and production of documents subject to a protective order. The Parties
22 have been working in good faith to resolve these issues.

23 These and other related factors provided good cause for the Parties to jointly request an
24 extension of time to complete their fact/expert witness depositions and remaining discovery.
25 This Motion is not brought for the purpose of delay. This is the first extension request the Parties
26 have made.

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1 Accordingly, the Parties are jointly presenting this Stipulated Motion for the Court's
2 consideration based upon good cause shown.

3 DATED this 7th day of June, 2023

4 COZEN O'CONNOR

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25 Attorney for Plaintiffs

26 **ORDER**

IT IS SO ORDERED.

DATED this 9th day of June, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 7th day of June, 2023.

COZEN O'CONNOR

By /s/ Leslie Yamashita

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